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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Andorra,* Angola, Australia, Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Chile, Costa Rica,* Croatia, Cyprus,* Denmark,* Ecuador, Finland,* France,* Greece,* Haiti,* Honduras,* Iceland,* Ireland,* Latvia,* Liechtenstein,* Luxembourg,* Maldives,* Malta,* Mexico, Monaco,* Montenegro,* Morocco,* Pakistan, Paraguay,* Peru, Poland,* Portugal,* Republic of Moldova,* Netherlands,* Romania,* Serbia,* Slovakia, Slovenia, Spain, Switzerland,* the former Yugoslav Republic of Macedonia,* Ukraine, Uruguay,* State of Palestine:* draft resolution

37/... Human rights and the environment

The Human Rights Council,

Reaffirming all its resolutions on human rights and the environment, the most recent of which is resolution 34/20 of 24 March 2017, and relevant resolutions of the General Assembly and the Commission on Human Rights,

Recalling its resolutions 5/1, on institution-building of Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and annexes,

Recalling also General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets,

Recalling further the outcome of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil in June 2012, and its outcome document entitled "The future we want",[1] which reaffirmed the principles of the Rio Declaration on Environment and Development,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recalling the outcomes of the third session of the United Nations Environment Assembly, and looking forward to the fourth session, to be held in Nairobi from 11 to 15 March 2019,

* State not a member of the Human Rights Council.

[1] General Assembly resolution 66/288, annex.

Recalling also the Paris Agreement, adopted under the United Nations Framework Convention on Climate Change, in which the parties acknowledged in the preamble that they should, when taking action to address climate change, respect, promote and consider their respective obligations with regard to human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, the empowerment of women and intergenerational equity,

Taking note of the outcomes of the twenty-third session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, and encouraging States to consider, among other aspects, respect for and the promotion of human rights at the twenty-fourth session, to be held in Katowice, Poland from 3 to 14 December 2018,

Recognizing that sustainable development and the protection of the environment, including ecosystems, contribute to human well-being and to the enjoyment of human rights, including the rights to life, to the enjoyment of the highest attainable standard of physical and mental health, to an adequate standard of living, to adequate food, to safe drinking water and sanitation and to housing, and cultural rights,

Recognizing also that, conversely, the impact of climate change, the unsustainable management and use of natural resources, the unsound management of chemicals and waste, the resulting loss of biodiversity and the decline in services provided by ecosystems may interfere with the enjoyment of a safe, clean, healthy and sustainable environment, and that environmental damage can have negative implications, both direct and indirect, for the effective enjoyment of all human rights,

Recognizing further that, while the human rights implications of environmental damage are felt by individuals and communities around the world, the consequences are felt most acutely by those segments of the population that are already in vulnerable situations,

Recognizing that the exercise of human rights, including the freedom to seek, receive and impart information, to participate effectively in the conduct of government and public affairs and the right to an effective remedy, is vital to the protection of a clean, healthy, safe and sustainable environment,

Recognizing also the important role played by human rights defenders in the promotion and protection of human rights as they relate to the enjoyment of a safe, clean, healthy and sustainable environment, and deeply concerned that human rights defenders addressing environmental issues and corporate responsibility are among the human rights defenders most exposed and at risk,

Recognizing further the importance of gender equality, the empowerment of women and the role women play as managers of natural resources and agents of change in safeguarding the environment,

Recognizing the particular vulnerability of children to the effects of environmental harm, including to air pollution, water pollution, climate change, exposure to chemicals, toxic substances and waste, and loss of biodiversity, and that environmental harm may interfere with the full enjoyment of a vast range of the rights of the child,

Reaffirming that States have the obligation to respect, protect and fulfil human rights, including in all actions undertaken to address environmental challenges, and to take measures to protect the rights of all, as recognized in different international instruments and reflected in the framework principles on human rights and the environment,[2] and that additional measures for those who are particularly vulnerable to environmental harm should be taken,

Noting that more than 100 States have recognized some form of a right to a healthy environment in, inter alia, international agreements, their constitutions, legislations or policies,

[2] A/HRC/37/59, annex.

1. *Welcomes* the work undertaken by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, including in the implementation of his mandate, the comprehensive, transparent and inclusive consultations conducted with relevant stakeholders, his thematic reports, and the undertaking of regional country visits;

2. *Takes note with appreciation* of the recent report of the Special Rapporteur on the relationship between children's rights and environmental protection,[1] in which he examined the increasing international attention to the relationship between children's rights and the environment, the severe effects of environmental harm on the rights of children, human rights obligations relating to children's rights in the environmental context, the relationship of future generations and children's rights, and provides recommendations aimed at increasing respect, protection and fulfilment of the rights of children in relation to the environment;

3. *Also takes note with appreciation* of the recent report of the Special Rapporteur, in which he presented his framework principles on human rights and the environment for the consideration of States, international organizations, civil society organizations and business enterprises,[1] and calls upon States to implement fully their obligations to respect and ensure human rights without distinction of any kind, including in the application of environmental laws and policies;

4. *Welcomes* the work of the Office of the United Nations High Commissioner for Human Rights on the issue of human rights and the environment;

5. *Also welcomes* the work undertaken by the United Nations Environment Programme in support of the mandate of the Special Rapporteur and in helping to clarify the relationship between human rights and the environment, and contributing to the implementation of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment;

6. *Decides* to renew the mandate of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment for a period of three years;

7. *Requests* the Special Rapporteur, in fulfilling the mandate:

(a) To continue to study the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, in consultation with Governments, relevant international organizations and intergovernmental bodies, including the United Nations Environment Programme and the United Nations Development Programme, and relevant multilateral environment agreements, human rights mechanisms, local authorities, national human rights institutions, civil society organizations, including those representing indigenous peoples and other persons in vulnerable situations, the private sector and academic institutions;

(b) To continue to identify, promote and exchange views on good practices relating to human rights obligations and commitments that inform, support and strengthen environmental policymaking, especially in the area of environmental protection, and in that regard to disseminate and consider updating documents elaborated by the previous mandate holder, as appropriate;

(c) To promote and report on the realization of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, taking into account the reports and documents produced by the previous mandate holder, and to disseminate his or her findings by, inter alia, continuing to give particular emphasis to practical solutions with regard to their implementation;

(d) To work on identifying challenges and obstacles to the full realization of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and protection gaps thereto, including in the context of sustainable development;

[1] A/HRC/37/58.

(e) To continue to contribute to and participate in, where appropriate, intergovernmental conferences and meetings relevant to the mandate, including at the United Nations Environment Assembly;

(f) To develop a dialogue, liaise and collaborate with all relevant stakeholders with a view to enhancing public awareness of the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment;

(g) To conduct country visits and to respond promptly to invitations from States;

(h) To apply a gender perspective by, inter alia, considering the particular situation of women and girls and identifying gender-specific discrimination and vulnerabilities, and addressing good practices where women and girls act as agents of change in safeguarding and managing sustainably the environment;

(i) To work in close coordination, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Human Rights Council, relevant United Nations bodies, agencies, funds and programmes, including the United Nations Environment Programme and the United Nations Development Programme, the treaty bodies and international and regional organizations, and multilateral environmental agreements, taking into account the views of other stakeholders, including relevant regional human rights mechanisms, national human rights institutions, civil society organizations and academic institutions;

(j) To submit an annual report, including conclusions and recommendations, to the Human Rights Council and to the General Assembly;

8. *Calls upon* all States, United Nations agencies, funds and programmes , other international organizations and non-governmental organizations, the private sector and national human rights institutions to cooperate fully with the Special Rapporteur, including by providing all necessary information related to the mandate to enable him or her to fulfil the mandate;

9. *Requests* the High Commissioner to ensure that the Special Rapporteur receives the resources necessary to enable him or her to discharge the mandate fully;

10. *Requests* the Special Rapporteur, in collaboration with the Office of the High Commissioner:

(a) To convene, prior to the forty-third session of the Human Rights Council, an expert seminar on experience and best practices of States at the national and regional levels with regard to human rights obligations relating to the environment, and on the contribution of relevant actors, including the Special Rapporteur, in this regard;

(b) To invite States and other relevant stakeholders, including academic experts, civil society organizations and treaty bodies, to participate actively in the seminar;

(c) To invite relevant experts of United Nations agencies, funds and programmes, other international organizations and conventions to participate in the seminar;

(d) To submit to the Human Rights Council, at its forty-third session, a summary report on the above-mentioned seminar, including any recommendations stemming therefrom, for consideration of further follow-up action;

11. *Stresses* the need for enhanced cooperation among States, the United Nations Environment Programme, the United Nations Development Programme, the Food and Agriculture Organization of the United Nations, the Office of the High Commissioner and other relevant international and regional organizations, agencies, conventions and programmes, in accordance with their respective mandates, including by regularly exchanging knowledge and ideas and building synergies in the protection of human rights and the protection of the environment, bearing in mind an integrated and multisectoral approach;

12. *Decides* to remain seized of the matter, in accordance with its annual programme of work.